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7 Attorneys for Defendants COUNTY OF MONTEREY and
 MICHAEL KANALAKIS
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9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 JIMMY D. HAWS, SETH DANIEL HAWS,
 12 and MIA SKYE HAWS, minors, by and
 through their guardian ad litem, CARRIE A.
 13 HAWS, and CARRIE A. HAWS,
 individually,

14 Plaintiffs,

15 v.

16 COUNTY OF MONTEREY, MICHAEL
 17 KANALAKIS, NATIVIDAD MEDICAL
 CENTER and DOES 1-300, inclusive,

18 Defendants.

19 Case No. C 07-02599 JF

DEFENDANTS COUNTY OF MONTEREY
 AND MICHAEL KANALAKIS' NOTICE
 OF MOTION AND MOTION TO DISMISS
 PLAINTIFFS' FIRST AMENDED
 COMPLAINT WITH PREJUDICE
 [F.R.C.P. 12(b)(6)]

20 Date: November 2, 2007
 21 Time: 9:00 AM
 Ctrm.: 3, 5th Floor
 Judge: Hon. Jeremy Fogel
 Action Filed: May 16, 2007

22 **TO THE PLAINTIFFS, AND TO THEIR ATTORNEYS OF RECORD:**

23 NOTICE IS HEREBY GIVEN that on November 2, 2007, at 9:00 a.m. in Courtroom #3, 5th
 Floor, of the United States District Court for the Northern District of California, located at 280 South
 24 First Street, San Jose, California, Defendants COUNTY OF MONTEREY and MICHAEL
 25 KANALAKIS will and hereby do move the court for an order dismissing plaintiffs' complaint with
 26 prejudice. This motion is made pursuant to Fed. R. Civ. P., Rule 12(b)(6) on the grounds that the First
 27 Amended Complaint (FAC) fails to state a claim upon which relief can be granted.

28 This motion shall be supported by this Notice of Motion, the Memorandum of Points and

1 Authorities, upon all papers and pleadings on file herein, and upon such oral argument as may be
2 presented at the hearing on this matter.

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4 DATED: September 4, 2007.

Respectfully submitted,

5 CHARLES J. MCKEE, County Counsel

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7 By /S/ Traci A. Kirkbride
8 TRACI A. KIRKBRIDE, Deputy County Counsel

9 Attorneys for Defendants COUNTY OF MONTEREY
10 and MICHAEL KANALAKIS

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12 F:\WPWIN60\TXT\LIT\400\Haws\Mtn Dismiss FAC.wpd

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